

No. 3383

12

United States
Circuit Court of Appeals

For the Ninth Circuit.

THE UNITED STATES OF AMERICA,
Plaintiff in Error,

vs.

RAINIER BREWING COMPANY, a Corporation,
LOUIS HENRICH and R. SAMET,
Defendants in Error.

Transcript of Record.

Upon Writ of Error to the Southern Division of the
United States District Court of the
Northern District of California,
First Division.

FILED
SEP 18 1914
R. D. WOODSTON,
Clerk

United States
Circuit Court of Appeals

For the Ninth Circuit.

THE UNITED STATES OF AMERICA,
Plaintiff in Error,

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys of Record.

For Plaintiff and Plaintiff in Error:

UNITED STATES ATTORNEY, San Francisco, Cal.

For Defendant and Defendant in Error:

THEODORE A. BELL, Esq., San Francisco, Cal.

In the Southern Division of the United States District Court for the Northern Division of California, First Division.

No. 7824.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAINIER BREWING COMPANY, a Corporation,
et als.,

Defendants.

Praeceptum for Transcript of Record.

To the Clerk of the Above-entitled Court:

You will please prepare a transcript of the record in this cause to be filed in the office of the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, under the writ of error heretofore sued out and perfected to said Court, and include in said transcript the following records, proceedings and papers on file, to wit:

1. Information.
2. Demurrer to information.
3. Order sustaining demurrer to information.

4. Opinion of Court on demurrer.
5. Judgment.
6. Bill of exceptions.
7. Petition for writ of error.
8. Assignment of errors.
9. Order allowing writ of error.
10. Writ of error.
11. Citation.
12. This praecipe.
13. All other records, proceedings and papers in said cause.

Dated this 21st day of August, 1919.

ANNETTE ABBOTT ADAMS,
United States Attorney,
CHARLES W. THOMAS, Jr.,
Asst. United States Attorney, [1*]
Attorneys for Plaintiff and Plaintiff in Error.

[Endorsed]: Due service of the within admitted this 21st day of August, 1919.

THEODORE A. BELL,
Attorney for Defendants and Defendants in Error.

Filed Aug. 22, 1919. W. B. Maling, Clerk. By
C. M. Taylor, Deputy Clerk. [2]

*Page-number appearing at foot of page of original certified Transcript of Record.

In the Southern Division of the United States District Court for the Northern District of California, First Division.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAINIER BREWING COMPANY, a Corporation,

LOUIS HENRICH and R. SAMET,

Defendants.

Information.

At the March Term of the said Court in the year of our Lord, One thousand nine hundred and nineteen,—

BE IT REMEMBERED that Annette Abbott Adams, United States Attorney for the Northern District of California, who for the United States, in its behalf, prosecutes in her own person, comes into court on this, the third day of July, 1919, and with leave of Court first had and obtained, gives the Court to understand and be informed as follows, to wit:

That the allegations hereinafter set forth, each of which your informant avers and verily believes to be true, are made certain and supported by special affidavits made under oath, and that this information is based upon said affidavits, which said affidavits are hereto attached and made a part hereof;

Now, therefore, your informant presents that the Rainier Brewing Company is a corporation, duly organized and existing under and by virtue of the laws of the State of Washington, and having its

principal place of business in California, at and in the city and county of San Francisco.

That the Rainier Brewing Company, a corporation, Louis [3] Henrich and R. Samet, did at San Francisco, in the Southern Division of the Northern District of California, on the second day of July, 1919, in violation of the Act of November 21, 1918, wilfully, unlawfully and knowingly sell to one Jerry Sheehan for beverage purposes and not for export ten (10) boxes, each containing two (2) dozen bottles of beer, which beer contained as much as one-half of one per cent of alcohol by both weight and volume, all of which the said defendants then and there well knew.

AGAINST the peace and dignity of the United States of America, and contrary to the form of statute of the said United States of America, in such case made and provided.

ANNETTE ABBOTT ADAMS,
United States Attorney. [4]

United States of America,
Northern District of California,—ss.
City and County of San Francisco.

C. W. Hughes, being first duly sworn, deposes and says:

That the Rainier Brewing Company, a corporation, Louis Henrich, and R. Samet, did, on the 2d day of July, 1919, in the city and county of San Francisco, State of California, sell to one Jerry Sheehan for beverage purposes and not for export, ten boxes, each containing two dozen pint bottles of beer, which beer

contained as much as one-half of one per cent of alcohol by both weight and volume.

C. W. HUGHES.

Subscribed and sworn to before me this 3d day of July, 1919.

[Seal] T. L. BALDWIN,
Deputy Clerk U. S. District Court, Northern Dis-
trict of California. [5]

United States of America,
Northern District of California,—ss.
City and County of San Francisco.

E. M. Blanford, being first duly sworn, deposes and says:

That the Rainier Brewing Company, a corporation, Louis Henrich and R. Samet, did, on the 2d day of July, 1919, in the city and county of San Francisco, State of California, sell to one Jerry Sheehan for beverage purposes and not for export, ten boxes, each containing two dozen pint bottles of beer, which beer contained as much as one-half of one per cent of alcohol by both weight and volume.

E. M. BLANFORD.

Subscribed and sworn to before me this 3d day of July, 1919.

[Seal] T. L. BALDWIN,
Deputy Clerk U. S. District Court, Northern Dis-
trict of California.

[Endorsed]: Filed July 3d, 1919. W. B. Maling,
Clerk. By T. L. Baldwin, Deputy. [6]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Thursday, the tenth day of July, in the year of our Lord one thousand nine hundred and nineteen. Present: The Honorable WILLIAM H. SAWTELLE, Judge.

No. 7824.

UNITED STATES OF AMERICA

vs.

RAINIER BREWING CO. etc., LOUIS HEN-
RICH and R. SAMET.

(Arraignment.)

This case came on regularly this day for arraignment of defendants, Louis Henrich and R. Samet and Rainier Brewing Co., etc. Defendants, Louis Henrich and R. Samet were present in Court with attorney, Theodore Bell, Esq. Defendant, Rainier Brewing Co., etc., was present by and through attorney Theodore Bell, Esq. On motion of Mrs. A. A. Adams, United States District Attorney, and on order of Court, each of said defendants were duly arraigned upon the Information filed herein, stated their true names to be as contained therein, waived formal reading thereof, and on motion of Mr. Ball, the Court ordered that this case be and the same is hereby continued to July 14, 1919, for entry of defendants' pleas. [7]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

(No. 7824.)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAINIER BREWING COMPANY, a Corporation,
LOUIS HENRICH and R. SAMET,

Defendants.

Demurrer.

Now come the defendants above named, and each of them, and demur to the information filed herein, upon the following grounds:

I.

That said information does not state facts sufficient to constitute a public offense under the laws of the United States, or any offense against the United States or its laws.

II.

That said information does not state facts sufficient to constitute a public offense, in that it is not alleged therein, nor does it appear therefrom, that the beer alleged to have been sold by the defendants was of an intoxicating malt or vinous liquor, or an intoxicating liquor.

WHEREFORE said defendants, and each of them, pray to be hence dismissed.

THEODORE A. BELL,
Attorney for Defendants. [8]

[Endorsed]: Due service of within demurrer is hereby admitted this 14th day of July, 1919.

ANNETTE ABBOTT ADAMS,
U. S. Attorney.
FRANK M. GEIS,
Asst. U. S. Attorney.

Filed July 14, 1919. W. B. Maling, Clerk. By C. W. Calbreath, Deputy. [9]

At a stated term of the District Court of the United States, for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Monday, the twenty-eighth day of July, in the year of our Lord one thousand nine hundred and nineteen. Present: The Honorable WILLIAM H. SAWTELLE, Judge.

No. 7824.

UNITED STATES OF AMERICA

vs.

RAINIER BREWING CO., etc. et al.

(Order Sustaining Demurrer.)

Pursuant to oral opinion this day rendered, the Court ordered that the demurrer to the information heretofore submitted herein be and the same is hereby sustained. On motion of F. M. Silva, Esq., Assistant United States District Attorney, the Court ordered that an exception to said order be and the

same is hereby entered on behalf of the plaintiff.
[10]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

Honorable WM. H. SAWTELLE, Judge.

No. 7824.

UNITED STATES OF AMERICA

vs.

RAINIER BREWING COMPANY, a Corporation,
LOUIS HENRICH and R. SAMET,
Defendants.

(Oral Opinion Overruling Demurrer.)

Monday, July 28th, 1919.

ANNETTE ABBOTT ADAMS, United States Attorney, FRANK M. SILVA, Assistant United States Attorney, for the Government.

THEODORE A. BELL, for the Defendants.

The COURT (Orally).—The information charges that the defendants, in violation of the Act of Congress of November 21st, 1918, sold for beverage purposes, and not for export, beer which contained as much as one-half of one per cent of alcohol by weight and volume. It does not allege that said beer was intoxicating and it is the contention of the prosecution that it is not necessary to so allege. The defendants contend that their demurrer to the information should be sustained because said act of Congress is un-

constitutional and void and because said act does not prohibit the sale of non-intoxicating beer. In the case of the Rainier Brewing Company vs. Adams, United States Attorney, et al., I held [11] the act to be constitutional and refused to enjoin said United States Attorney from instituting prosecutions thereunder, and after a careful consideration and examination of the authorities I am more than ever convinced that the act is constitutional. The act was passed for the purpose of conserving the man-power of the nation and to increase efficiency in the production of arms, munitions, ships, food and clothing for the Army and Navy. In order to accomplish this purpose, namely, of conserving man-power and increasing efficiency, as aforesaid—in other words, to appropriate one hundred per cent efficiency—Congress came to the conclusion that it was necessary that a law should be enacted prohibiting for a limited period the manufacture and sale of intoxicating liquors for beverage purposes. Thereupon Congress enacted “that after June 30th, 1919, and until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States * * * it shall be unlawful to sell for beverage purposes any distilled spirits.” The act further provides that “during said time no distilled spirits held in bond shall be removed therefrom for beverage purposes except for export.”

It is thus clearly shown that Congress had very definitely determined that after June 30th, 1919, and until the termination of demobilization, distilled

spirits should not be sold for beverage purposes. To further aid in carrying out the declared purpose of the Act, namely, "to conserve the man-power of the nation and to increase efficiency," as aforesaid, it was provided in said act that after May 1st, 1919, "and until after the termination of demobilization * * * no grains, cereals, fruit or other food product shall be [12] used in the manufacture or production of beer, wine, or other intoxicating malt or vinous liquors for beverage purpose." It was further provided in the act—and it is this provision that defendants herein are charged with having violated—that "after June 30th, 1919, until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine or other intoxicating malt or vinous liquor shall be sold for beverage purposes except for export." Keeping in view the purpose of the act, Congress added this provision, "After the approval of this Act, no distilled, malt, vinous, or other intoxicating liquors shall be imported into the United States during the continuance of the present war and period of demobilization." The word "beer" is omitted from this provision and the word "malt" is substituted therefor. I think Congress was not interested in providing against the importation of malt liquors containing, we shall say, one-fourth of one per cent of alcohol, but against the importation of intoxicating liquors. Manifestly, the words "other intoxicating liquors" relate to and qualify the preceding word "malt," so that only intoxicating

malt liquors were within the statute.

After a careful analysis of the statute under which this prosecution has been brought, I have concluded that the words "or other intoxicating malt or vinous liquors" qualify the preceding words "beer" and "wine," and that it is not unlawful to sell beer which is not intoxicating. Therefore, to bring beer within the prohibition of the act the information should allege that it was intoxicating. It does not so allege and therefore I sustain the demurrer. [13]

It must not be understood from anything I have said that I have held that it is lawful to sell beer which contains two and three-quarters per cent alcohol by weight or volume, or that it is lawful to sell beer which contains one-half of one per cent alcohol. I have simply held that it is not unlawful to sell beer which is not intoxicating. The Commissioner of Internal Revenue has held that "a beverage containing one-half of one per cent or more of alcohol by volume will be regarded as intoxicating." The Department of Justice is in accord with that holding and is making conscientious efforts to have the Court adopt that view. The case at bar, no doubt, will be appealed to the Supreme Court. Should the Supreme Court adopt the Government's contention and hold that all who have manufactured beer containing as much as one-half of one per cent of alcohol are guilty of violating the act of November 21st, 1918, they may find prison sentences awaiting them, and it might be well for those who are so engaged to pause and consider whether the money to be made is sufficient to justify the risk. A Court might not, under all the circum-

stances, look upon their pleas for leniency with any great degree of compassion.

Mr. SILVA.—May we have an exception to the ruling of the Court on the demurrer?

The COURT.—Yes; the Clerk will note an exception to the ruling of the Court in sustaining the demurrer to the information.

[Endorsed]: Filed Aug. 20, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [14]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7824.

THE UNITED STATES OF AMERICA,

vs.

RAINIER BREWING COMPANY, a Corp.,
LOUIS HENRICH and R. SAMET.

Judgment.

In this case the defendants' demurrer to the information having been sustained,

IT IS THEREFORE ORDERED AND ADJUDGED that the information herein as against Rainier Brewing Company, a Corp., Louis Henrich and R. Samet be dismissed and that they go hence without day.

Further ordered that their bonds be and the same are hereby exonerated.

Judgment entered this 28th day of July, A. D. 1919.

WALTER B. MALING,
Clerk.
By C. W. Calbreath,
Deputy Clerk. [15]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7824.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAINIER BREWING COMPANY a Corporation,
LOUIS HENRICH, and R. SAMET,
Defendants.

Bill of Exceptions.

BILL OF EXCEPTIONS ON BEHALF OF
UNITED STATES OF AMERICA, PLAINTIFF
IN ERROR HEREIN.

Be it remembered, that on the 14th day of July, 1919, at a stated term of said Court, begun and holden in the city and county of San Francisco, State of California, before his Honor, Judge W. H. Sawtelle, District Judge, the issue of law joined in the above-entitled case between the parties upon the information of the plaintiff and the demurrer of defendants thereto, as shown by the judgment-roll and record herein, came on to be heard before said Judge, the parties

aforesaid, by their counsel, having, according to the statute in such cases made and provided, and in accordance with the rules of said Court argued said cause and submitted the respective briefs thereon; and thereafter, on the 28th day of July, 1919, the said Court sustained the demurrer to said information, to which ruling the said plaintiff, United States of America, duly excepted and now assigns the said ruling as error.

Dated the 20th day of August, 1919.

ANNETTE ABBOTT ADAMS,

United States Attorney,

CHARLES W. THOMAS, Jr.,

Assistant United States Attorney,

Attorneys for Plaintiff and Plaintiff in Error.

[16]

NOTICE.

To Rainier Brewing Company, a Corporation, Louis Henrich and R. Samet, Defendants in Error and to Theodore A. Bell, Esquire, Their Attorney:

Gentlemen: You will please take notice that the foregoing constitutes and is the bill of exceptions of the plaintiff, United States of America, in the above-entitled cause, and that the said plaintiff will ask the settlement, allowance and approval of the same.

Dated this 20th day of August, 1919.

ANNETTE ABBOTT ADAMS,

United States Attorney,

CHARLES W. THOMAS, Jr.,

Assistant United States Attorney,

Attorneys for Plaintiff and Plaintiff in Error.

STIPULATION.

It is hereby stipulated and agreed by and between the parties hereto and their respective counsel, that the above and foregoing bill of exceptions is true and correct in all particulars and that the same may be settled, allowed and approved by the Court without further notice, and that the same may be made a part of the records in the above-entitled cause.

Dated this 20th day of August, 1919.

ANNETTE ABBOTT ADAMS,

United States Attorney,

CHARLES W. THOMAS, Jr.,

Assistant United States Attorney,

Attorneys for Plaintiff and Plaintiff in Error.

THEODORE A. BELL,

Attorney for Defendants and Defendants in Error.

[17]

**Order Settling, Allowing and Approving Bill of
Exceptions.**

In the matter of the foregoing bill of exceptions duly presented in time, by plaintiff, United States of America, plaintiff in error herein,

It is hereby ordered by said Court that said bill of exceptions be and the same is hereby settled, allowed and approved as true and correct in all particulars and

IT IS HEREBY FURTHER ORDERED by said Court that said bill of exceptions be and the same is hereby made a part of the records in the above-entitled cause.

Given and dated at San Francisco, California, this 21st day of August, 1919.

WM. C. VAN FLEET,
United States District Judge.

[Endorsed]: Filed Aug. 21, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [18]

In the Southern Division of the United States District Court for the Northern Division of California, First Division.

No. 7824.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAINIER BREWING COMPANY, a Corporation,
LOUIS HENRICH, and R. SAMET,

Defendants.

Petition for Writ of Error.

Comes now the United States of America, by Annette Abbott Adams, United States Attorney, and feeling aggrieved by the judgment of this Court made and entered on the 28th day of July, 1919, wherein and whereby the information herein as against defendants, Rainier Brewing Company, a corporation, Louis Henrich and R. Samet, was dismissed and wherein and whereby it was ordered, adjudged and decreed that the said defendants go hence without day and that their said bonds be exonerated, and hereby petitions this Honorable Court for the

allowance of a writ of error herein to the United States Circuit Court of Appeals in and for the Ninth Circuit; and that a full and complete transcript of all records, proceedings and papers in the above-entitled case be transmitted by the Clerk of this Court to the Clerk of the United States Circuit Court of Appeals in and for the Ninth Circuit.

Dated this 21st day of August, 1919.

ANNETTE ABBOTT ADAMS,
 United States Attorney,
 CHARLES W. THOMAS, Jr.,
 Assistant United States Attorney,
 Attorneys for Petitioner. [19]

[Endorsed]: Filed Aug. 21, 1919. W. B. Maling,
 Clerk. By C. M. Taylor, Deputy Clerk. [20]

In the Southern Division of the United States District Court for the Northern Division of California, First Division.

No. 7824.

UNITED STATES OF AMERICA,
 Plaintiff,

vs.

RAINIER BREWING COMPANY, a Corporation,
 LOUIS HENRICH, and R. SAMET,
 Defendants.

Assignments of Error.

Comes now plaintiff in error, the United States of America, by Annette Abbott Adams, United States

Attorney, and says that in the record and proceedings in the above-entitled cause there is manifest error in this, to wit:

I.

That the said District Court erred in sustaining the demurrer of defendants to the information of plaintiff on file therein on the grounds set forth in said demurrer.

II.

That the District Court erred in dismissing the information of plaintiff on file therein.

III.

That the said District Court erred in not giving, making and entering its order in said action, overruling the demurrer of defendants to the information on file therein.

IV.

That the said District Court erred in sustaining the demurrer of defendants to the information of plaintiff on file therein, inasmuch as it appeared from said information that defendant wilfully, unlawfully and knowingly, sold for [21] beverage purposes and not for export, beer which contained as much as one-half of one per cent of alcohol by both weight and volume, in violation of the Act of November 21st, 1918.

WHEREFORE, the United States of America, plaintiff in error, prays that the above and foregoing assignments of error be considered. The assignments of error upon the writ of error, and further prays that the judgment heretofore made and entered in this case, may be reversed, and held for naught, and

that the plaintiff in error have such and further relief as may be in conformity to law and the procedure of this Court.

Dated this 21st day of August, 1919.

ANNETTE ABBOTT ADAMS,
United States Attorney;
CHARLES W. THOMAS, Jr.,
Assistant United States Attorney,
Attorneys for Plaintiff, Plaintiff in error.

[Endorsed]: Filed Aug. 21, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [22]

*In the Southern Division of the District Court of
the United States for the Northern District of
California, First Division*

No. 7824.

UNITED STATES OF AMERICA,
Plaintiff,
vs.

RAINIER BREWING COMPANY, Corporation,
LOUIS HENRICH, and R. SAMET,
Defendants.

Order Allowing Writ of Error.

Upon the filing of a petition for a writ of error in the above-entitled Court, and good cause appearing therefor, it is hereby ordered that the said petition for a writ of error be allowed; that a writ of error from the judgment heretofore made and entered herein be and the same is hereby allowed for a review

of said judgment by the United States Circuit Court of Appeals for the Ninth Circuit; and that the Clerk of this Court be directed and he is hereby directed to transmit to the Clerk of the Circuit Court of Appeals for the Ninth Circuit a full, true, complete and certified transcript of the records, proceedings and papers in the above-entitled cause.

It is further ordered that no bond on writ of error, or supersedeas bond, or bond for cause or damages, shall be required to be given or filed.

Dated this 21st day of August, 1919.

WM. C. VAN FLEET,
District Judge.

[Endorsed]: Filed Aug. 21, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [23]

**Certificate of Clerk U. S. District Court to Transcript
on Writ of Error.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do *hereby that* the foregoing 23 pages, numbered from 1 to 23, inclusive, contain a full, true and correct transcript of certain *and* proceedings, in the case of the United States of America vs. Rainier Brewing Company, a Corp., Louis Henrich and R. Samet, No. 7824, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript on writ of error (copy of which is embodied in this transcript), and the in-

structions of the Attorney for plaintiff and plaintiff in error herein.

I further certify that the cost for preparing and certifying the foregoing transcript on writ of error is the sum of Five Dollars and Five Cents (\$5.05).

Annexed hereto is the original citation on writ of error (page 27), and the original writ of error (page 25), with the return of the said District Court to said writ of error attached hereto (page 26).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 26th day of August, A. D. 1919.

[Seal]

WALTER B. MALING,
Clerk.

By C. M. Taylor,
Deputy Clerk. [24]

Writ of Error.

UNITED STATES OF AMERICA,—ss.

The President of the United States of America, to the Honorable, the Judges of the District Court of the United States for the Northern District of California, Southern Division, First Division
GREETING:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court, before you, or some of you, between United States of America, plaintiff in error, and Rainier Brewing Company, a corporation, Louis Henrich and R. Samet, defendants in error, a mani-

fest error hath happened, to the great damage of the said United States of America, plaintiff in error, as by its complaint appears:

We, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at the City of San Francisco, in the State of California, within thirty days from the date hereof, in the said Circuit Court of Appeals, to be then and there held, that, the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

WITNESS, the Honorable EDWARD D. WHITE, Chief Justice of the United States, the 21st day of August, in the year of our Lord one thousand nine hundred and nineteen.

[Seal]

W. B. MALING,

Clerk of the United States District Court.

By C. M. Taylor,

Deputy Clerk.

Allowed by

WM. C. VAN FLEET,

U. S. Dist. Judge. [25]

Due service of the within admitted this 21st day of August, 1919

THEODORE A. BELL,
Attorney for Defendants and Defendants in Error.

[Endorsed]: No. 7824. In the Southern Division of the United States District Court for the Northern District of California, First Division. United States of America, Plaintiff in Error, vs. Rainier Brewing Company, a Corporation, Louis Henrich and R. Samet, Defendants in Error. Writ of Error. Filed Aug. 21, 1919. W B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.

Return to Writ of Error.

The answer of the Judges of the District Court of the United States of America, for the Northern District of California, to the within writ of error:

As within we are commanded, we certify under the seal of our said District Court, in a certain schedule to this writ annexed, the record and all proceedings of the plaint whereof mention is within made, with all things touching the same, to the United States Circuit Court of Appeals, for the Ninth Circuit, within mentioned, at the day and place within contained.

We further certify that a copy of this Writ was on the 21st day of August A. D. 1919, duly lodged in the case in this Court for the within named defendant in Error.

trict of California, this 21st day of August, A. D. 1919.

WM. C. VAN FLEET,
United States District Judge. [27]

Due service of the within admitted this 21st day of August, 1919.

THEODORE A. BELL,
Attorney for Defendants and Defendants in Error.

[Endorsed]: No. 7824. In the Southern Division of the United States District Court for the Northern District of California, First Division. United States of America, Plaintiff in Error, vs. Rainier Brewing Company, a Corporation, Louis Henrich, and R. Samet, Defendants in Error. Citation on Writ of Error. Filed Aug. 21, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.

[Endorsed]: No. 3383. United States Circuit Court of Appeals for the Ninth Circuit. The United States of America, Plaintiff in Error, vs. Rainier Brewing Company, a Corporation, Louis Henrich and R. Samet, Defendants in Error. Transcript of Record. Upon Writ of Error to the Southern Division of the United States District Court of the Northern District of California, First Division.

Filed August 26, 1919.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.